

Commissioner Meeting Minutes

April 4, 2005

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Kemp, Frye, Davis, and Lanier were present. Tim Pheagin, Director, Faith in Action and End-of-Life Care Programs at Center of Living Home Health and Hospice, gave the invocation and everyone recited the Pledge of Allegiance.

Consent Agenda

On motion of Frye, seconded by Davis, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve regular and closed session minutes of March 1, 2005;*
- *reappoint Larry Brown and Vernel Gibson to Industrial Bond Authority;*
- *appoint Suzanne West to Adult Care Home Community Advisory Committee;*
- *approve resolution adding Marathon Drive to State Roads System, as follows:*

***WHEREAS**, the Department of Transportation has investigated Marathon Drive in the Grantville Acres Subdivision; and*

***WHEREAS**, the subject street has been found to meet minimum requirements for addition.*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Marathon Drive in the Grantville Acres Subdivision be added to the Division of Highways' Secondary Road System.*

Amend Building Inspections Fee Schedule

Paxton Arthurs, County Building Inspections Director, said that historically, building permit fees have been user-based fees, which have enabled the Inspections Department to operate without requiring additional funding. However, last year approximately \$30,000 in general funds was needed in order to meet budget and it is anticipated that even more will be required for the FY05-06 budget. Mr. Arthurs recommended that the following adjustments be made to the building inspections fee schedule:

- base residential construction estimates on values established by the International Code Council (ICC). Currently, residential construction in Randolph County is estimated at \$55 per square foot of heated area. This estimate was established around 1986 and has never been updated. The ICC has developed a table of typical construction values based on the use of the building and the type of construction used. This table is reviewed periodically and adjusted when necessary. Mr. Arthurs said that his department currently uses this same table to estimate the value of commercial projects. Note: This proposal will not change the permit fee rate, which will remain at \$3 per thousand of construction value.
- raise the re-inspection fee from \$25 to \$50. This fee is not automatic but is only charged if the inspector feels that the circumstances warrant it. By increasing this fee the County can more accurately recoup expenses. This would also discourage the practice of using the inspection as a "punch list" service.

Mr. Arthurs asked the Board to amend the fee schedule to reflect these changes effective May 1, 2005.

On motion of Kemp, seconded by Frye, the Board voted unanimously to amend the building inspection fee schedule, effective May 1, 2005, as follows: 1) base residential construction estimates on values established by the International Code Council and, 2) raise the re-inspection fee to \$50.

Presentation and Approval of Proposal to Accept LCID Debris at County Solid Waste Facility

David Townsend, III, County Public Works Director, reminded the Board that during the March 2005 meeting, in which the zoning for a potential 2-acre Land Clearing and Inert Debris (LCID) facility was to be considered for permitting, the County Commissioners instructed the Public Works Department to evaluate our current LCID permit and facility located at the Solid Waste Facility northeast of Asheboro. As required by the State of North Carolina, the County facility is permitted with an operational plan, inspected by the State, and ultimately maintained and operated by the County. Approximately two years ago, the County temporarily suspended operations of the LCID as a “cost-cutting” step to increase the Public Works Department’s efficiency and not require an increase in tipping fees. This decision was the result of losing a major customer. A staff reduction at the facility was also part of the “cost-cutting” step, so that now we do not have the staff to operate, inspect, and manage the LCID site. At the time we suspended operations, the citizens and contractors were already going to the private C&D facility on Gold Hill Road. With the private facility now raising their rates, the citizens and contractors have requested that the Public Works Department reopen our LCID facility. A major concern throughout North Carolina and across the entire country is the combining of LCID material and material that comes from construction sites, thus contaminating the entire load. Once the material gets mixed together it is required to be disposed of at the most stringent level of State-approved facilities. Currently Randolph County can take all construction materials as well as stumps and inert debris in our transfer facility at a rate of \$38.00 per ton, which is our normal tipping fee. The private C&D landfill located on Gold Hill Road can take all other construction material at a rate of \$24.00 per ton, with a maximum of \$180.00 per load. Note: No municipal solid waste is accepted at this facility.

Mr. Townsend said that the taking of inert debris, stumps, wood waste, tree scraps, and branches is relatively easy until these materials become mixed with unacceptable materials. Because of this, all loads have to be inspected and monitored and the unacceptable material must be removed from the LCID. Since the Randolph County Solid Waste Facility is open approximately 55 hours per week, it would require two people as well as several pieces of equipment to operate this facility properly. A bulldozer would be used to push the materials back, a backhoe to excavate dirt to cover the materials on a regular basis, and a dump truck to haul the dirt.

Mr. Townsend said that he had contacted various private LCID and C&D facilities around the region, and the prices range anywhere from \$35.00 per load up to as high as \$180.00 a load, based on the type of vehicle. The facilities that have only a per-load fee have not invested in scales and a scale house like Randolph County. The Public Works Department’s preference, if we re-open our LCID, is to charge a \$25.00 per-ton fee. With so much variation as to the size of load, the per-ton charge is the only fair and equitable solution. If a per-load cost is required, he said that \$175.00 would be the required rate due to the variation of tonnage received. This rate is determined by the proposed \$175,716 per year contractual amount Hilco Transportation would charge for this service divided by the average number of loads disposed of legally in the County. He said that, given more time, he could get proposals from other vendors.

On motion of Lanier, seconded by Frye, the Board voted unanimously to delay a decision on this matter until further study can be done and directed Mr. Townsend to bring the matter before them again during the budget process in June.

Award Bids for Scattered Site Housing CDBG Projects

Patty Brown, Assistant to the Public Works Director, said that in 2003, Randolph County received a grant in the amount of \$400,000 for a Scattered Site Housing Community Development Block Grant

project. In this grant, the County stated it would rehabilitate at least eight homes. Since that time the Public Works Department has been diligently working with the Scattered Site Housing Committee and Hobbs, Upchurch and Associates in selecting homes for rehabilitation. The seven homes previously awarded by the Randolph County Board of Commissioners are now complete and five more homes have been selected by the Scattered Site Housing Committee for approval by the Commissioners. These are the homes of Margaret Allmond, Avanell Church, Bertha Goss, Margaret Livingston and Dorothy Small. Bids packages were issued on March 20, 2005 at a pre-bid meeting with the contractors. Bids were received on March 24, 2005. Three bids were received for each of the homes, as follows:

<i>Home</i>	<i>Glenn King Construction</i>	<i>Clifton Parker Construction</i>	<i>Shane Builders</i>
<i>Allmond, Margaret</i>	<i>\$24,855</i>	<i>\$23,493*</i>	<i>No bid</i>
<i>Church, Avanell</i>	<i>\$31,250</i>	<i>\$29,820*</i>	<i>No bid</i>
<i>Goss, Bertha</i>	<i>\$29,635</i>	<i>\$26,945*</i>	<i>No bid</i>
<i>Livingston, Margaret</i>	<i>\$30,365</i>	<i>\$29,640*</i>	<i>No bid</i>
<i>Small, Dorothy</i>	<i>\$35,485</i>	<i>\$29,570*</i>	<i>No bid</i>

Ms. Brown requested that the Board of Commissioners award five different contracts to Clifton Parker Construction, as follows: for the home of Margaret Allmond in the amount of \$23,493; for the home of Avanell Church in the amount of \$29,820; the home of Bertha Goss in the amount of \$26,945; for the home of Margaret Livingston in the amount of \$29,640; and for the home of Dorothy Small in the amount of \$29,570. Unlike most construction contracts let by the County, these contracts will be a three-way contract between the County, the contractor and the homeowner. A recapture provision is included in the grant; therefore, a deed of trust will be held on the property for an eight-year period.

On motion of Davis, seconded by Lanier, the Board voted unanimously to award 3 separate contracts to Clifton Parker Construction, as follows: for the home of Margaret Allmond in the amount of \$23,493; for the home of Avanell Church in the amount of \$29,820; the home of Bertha Goss in the amount of \$26,945; for the home of Margaret Livingston in the amount of \$29,640; and for the home of Dorothy Small in the amount of \$29,570.

Request for Adjustment of Ambulance Mileage Fee to Medicare Approved Rate

Neil Allen, Emergency Services Director, said that CIGNA HealthCare, which administers the Medicare program, has increased the allowable mileage fee for ambulances to \$5.90. Currently Randolph County EMS is charging a mileage fee of \$5.50. With the cost of fuel today and the expectations of continued increase, Mr. Allen recommended that the fee adjustment be approved immediately rather than waiting for the new budget year. He said that he anticipates that the change will equate to approximately \$2,400 in increased revenues per month.

On motion of Frye, seconded by Davis, the Board voted unanimously to increase the mileage fee rate to \$5.90/loaded mile, effective immediately.

Update on Historic Courthouse and Request for Special Meeting

Richard Wells, Public Library Director, told the Board that museum consultant Bill Moore is ready to present his findings on the feasibility of a historical museum and Dean Spinks will present his architectural study of the renovation costs. He asked the Board to allow 2 hours for these presentations.

Set Special Meeting Date

On motion of Kemp, seconded by Davis, the Board voted unanimously to set 4:00 p.m., Monday, April 11, for a special called meeting in order to hear presentations from Handy Sanitary District and the consultants regarding the historic courthouse and to award the contract for new financial and human resources software.

Public Hearing and Application Approval – Rural Operating Assistance Program (ROAP) Grant

At 5:00 p.m. the Board adjourned to a duly advertised public hearing concerning the FY 2005-06 ROAP grant application. Russ Keeney, Transportation Director, Randolph County Area Transit System, told the Board that this grant consolidates the Elderly and Disabled Transportation Assistance Program, the Work First Transitional/Employment Transportation Assistance Program and the Rural General Public Program into a single package. The \$175,088 requested is based on formulas approved by the General Assembly.

Chairman Holmes opened the public hearing. No one was present to speak. Chairman Holmes closed the public hearing.

On motion of Davis, seconded by Kemp, the Board voted unanimously to approve the FY 2005-06 ROAP grant application and Appendix A Certified Statement, as follows:

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering all federal and/or state programs related to public transportation, and grants the department authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY 2005-2006 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as the department may require;

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2005 through June 30, 2006;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Randolph, North Carolina, and that the following statements are true and accurate:

Elderly and Disabled Transportation Assistance Program

- 1. The funds received from G.S. 136-44.27 will be used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds.*
- 2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.*
- 3. The funds received will be used in a manner consistent with the local Transportation Development Plan (TDP) or Community Transportation Services Plan (CTSP) and application approved by the North Carolina Department of Transportation and the Board of Commissioners.*

Work First Transitional/Employment Transportation Assistance Program

- 1. The purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/or other specified general public employment transportation needs. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program if not needed for Work First transportation.*
- 2. The funds are limited to use by the designated local entity(s) specified in the ROAP application, or any revisions or amendments thereto.*

Rural General Public Program

- 1. The funds will be used in a manner consistent with the Rural General Public Transportation Project Description.*
- 2. The funds will not be used for human service agency trips.*

Approve FY 04-05 Audit Contract

Will Massie, Deputy Finance Officer, said that the County has been notified that Maxton C. McDowell, CPA, will be unable to conduct this year's audit. Accordingly, we requested proposals from six CPA firms that currently audit counties in our area. We received proposals from two firms. Both firms are qualified to perform the County's audit and we received recommendations from their current governmental clients. Their fee proposals are acceptable for the level of work required and comparable with similar governmental audits:

Firm	2004-2005 (contract)	2005-2006 (estimated)	2006-2007 (estimated)
Cherry Bekaert & Holland	\$ 48,500	\$ 49,600	\$ 51,700
McGladrey & Pullen	\$ 48,000	\$ 50,300	\$ 52,600

Mr. Massie recommended the firm of Cherry Bekaert & Holland to perform the County's 2004-05 audit. Their proposal includes bringing in an experienced governmental audit partner, manager, and other trained personnel to conduct the audit. Certain staff of the Asheboro office will complete the audit team. Their total fee proposal for the three years is slightly lower than McGladrey's total.

On motion of Kemp, seconded by Frye, the Board voted unanimously to award the contract for the audit of the fiscal year ended June 30, 2005 to Cherry Bekaert & Holland, and authorized the Chairman to sign the contract.

Adopt Capital Project Ordinance for Teachey School Expansion Project

Will Massie reminded the Board that they had approved the addition of Teachey Elementary to the County's proposed financing plan at their March 2005 meeting. Transactions relating to this renovation project will be occurring soon. The County's General Fund will advance funds as needed until the permanent financing is available. As a result, a capital project ordinance to account for the financing proceeds and costs related to this project should be adopted. The project is expected to be completed in the fall of 2007.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to adopt the following capital project ordinance:

BE IT ORDAINED by the Board of the Randolph County Commissioners that, pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

- Section 1. In order to reduce student overcrowding, the renovation of Teachey Elementary School by the Asheboro City Board of Education is hereby authorized as a capital project with revenues and expenditures projected for the duration of the project.*
- Section 2. The officers of the Randolph County Board of Commissioners and the officers of the Asheboro City Board of Education are hereby authorized to proceed with the capital project in accordance with all General Statutes of North Carolina and within terms of the contracts approved by the Randolph County Board of Commissioners and the Asheboro City Board of Education.*
- Section 3. The following amounts are anticipated to be available to complete this capital project:*

Proceeds from Debt Financing \$ 4,200,000

Section 4. *The following amounts are appropriated for expenditures for the capital project:*

<i>Professional Fees - Architect</i>	<i>\$ 260,000</i>
<i>Professional Fees – Site Design / Construction</i>	<i>290,000</i>
<i>Site Development Costs</i>	<i>30,000</i>
<i>Construction</i>	<i><u>3,620,000</u></i>
<i>TOTAL:</i>	<i><u>\$ 4,200,000</u></i>

Section 5. *The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of General Statutes of North Carolina.*

Section 6. *Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the financial institution in an orderly and timely manner.*

Section 7. *This Capital Project Ordinance shall be entered in the minutes of the Board of the Randolph County Commissioners and after adoption copies of this Ordinance shall be filed with the finance officer, the budget officer, and the clerk to the board.*

Section 8. *This Capital Project Ordinance is adopted on April 4, 2005 and shall continue in effect until the project is completed.*

Amend Travel Policy to Increase Mileage Reimbursement Rate

Will Massie said that it has become obvious in recent months that the cost of gasoline will remain high for some time. As a result, the IRS has adjusted its standard mileage reimbursement rate to 40.5¢ per mile. Randolph County has not adjusted its reimbursement rate since July 2003, when it was raised from 32 to 36 cents. Nearly all units of government surveyed use the IRS rate to reimburse employees for business use of their personal vehicle. Accordingly, Mr. Massie requested that Section III A. of the Travel Policy be amended to read: "For travel by privately owned vehicles, forty and one half cents (40.5¢) per mile will be reimbursed," effective April 1, 2005.

On motion of Frye, seconded by Davis, the Board voted unanimously to amend Section IIIA. of the Travel Policy to read: "For travel by privately owned vehicles, forty and one half cents (40.5¢) per mile will be reimbursed," effective April 1, 2005.

Approve Contract for Sales Tax Reallocation

Will Massie said that periodically, county governments need to review the sales tax refunds claimed by local government and non-profit organizations to ensure that these reimbursements from the NC Department of Revenue are charged to the proper county. A sales tax reallocation is identifying the actual county that received the county tax on the original sale of merchandise. This involves reviewing the actual invoices and refund claims of these organizations. The last sales tax audit was completed in 2003 by Tax Reduction Specialists. At that time, the County filed refunds for \$47,275, which was shared among the various municipalities in the same allocation as a normal tax distribution. The County has requested a proposal from Robert S. Segal, CPA about doing another sales tax reallocation audit. The fee for this service would be from 25% to 35% of any refunds Randolph County receives from the Department of Revenue, depending on the type of organization examined. This contingent fee is standard for the type of work involved. Such an audit will take less than a year to complete. The County paid the entire fee for the 2003 audit. This time, we have asked municipalities to share in the cost since they will benefit from the additional sales tax distribution. We request approval of the contract with Robert S. Segal, CPA PA.

On motion of Kemp, seconded by Davis, the Board voted unanimously to approve a contract with Robert S. Segal, CPA PA, for a sales tax reallocation audit and authorized the County Manager to execute the contract.

Budget Amendment—Closeout of Courthouse Capital Project Fund

Will Massie said that the Randolph County Courthouse Capital Project was created in February 1999, with the grand opening in June of 2002. Since that time, there has been related work such as demolition

of the old jail and renovation of the 1981 annex. Now that final costs have been incurred, the remaining balances can revert back to the General Fund. As of March 31, 2005, there is approximately \$478,000 of funds remaining. While most of the funds can reduce the County's appropriated fund balance, we request \$30,000 be added to the Maintenance Department's budget to cover future courthouse landscaping and \$8,500 in Public Works for groundwater analysis costs.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve General Fund Budget Amendment #37 and Courthouse Capital Project Ordinance Amendment #7, as follows:

2004-2005 Budget Ordinance General Fund Amendment #37		
Revenues	Increase	Decrease
<i>Transfer from Courthouse Project</i>	<i>\$478,000</i>	
<i>Appropriated Fund Balance</i>		<i>\$ 439,500</i>
Appropriations	Increase	Decrease
<i>Maintenance</i>	<i>\$ 30,000</i>	
<i>Public Works</i>	<i>\$ 8,500</i>	

2004-2005 Courthouse Capital Project Ordinance General Fund – Amendment #7		
Revenues	Increase	Decrease
<i>Interest</i>	<i>\$212,400</i>	
<i>Sales Tax Reimbursements</i>	<i>\$8,600</i>	
Appropriations	Increase	Decrease
<i>Professional Fees</i>		<i>\$50,000</i>
<i>Construction and Renovation</i>		<i>\$207,000</i>
<i>Transfer to General Fund</i>	<i>\$478,000</i>	

Budget Amendment—Health Department

Mr. Massie said that since the Board approved increasing the mileage reimbursement rate a budget amendment is needed to cover the additional impact this will have on the Health Department budget, especially Environmental Health services. Fortunately, the fees from septic tank inspections are currently exceeding the revenues budgeted. At year-end, we expect the additional revenues to be much more than the \$6,000 needed for additional travel costs. All other departments should be able to absorb the additional cost of travel reimbursements.

On motion of Davis, seconded by Holmes, the Board voted unanimously to approve Budget Amendment #38, as follows:

2004-2005 Budget Ordinance General Fund Amendment #38		
Revenues	Increase	Decrease
<i>Permits and Fees</i>	<i>\$ 6,000</i>	
Appropriations	Increase	Decrease
<i>Public Health</i>	<i>\$ 6,000</i>	

Closed Session—Economic Development

On motion of Frye, seconded by Lanier, the Board voted unanimously at 5:25 p.m. to go into closed session to discuss matters relating to the location of expansion of business in the area, pursuant to NCGS 143-318.11(a)(4).

At 5:55 p.m., the Board returned to regular session.

Recess

The Board recessed at 5:55 p.m. and then returned to regular session at 6:30 p.m.

Rezoning Public Hearing

Old Business:

1. Hal Johnson, Planning & Zoning Director reminded the Board that at their March 2005 rezoning public hearing the Board had tabled the following request from Kevin Hill in order to give the applicant an opportunity to alter his request in consideration of the concerns of neighbors and the desires of the Board to reduce the site plan from 7 lots to no more than 6 lots and to include a landscaping plan and a requirement that none of the homes be older than 5 years:

KEVIN HILL, Seagrove, North Carolina, is requesting that 8.23 acres located on Ridge Road, Richland Township, be rezoned from RA to CVOR-CU. Tax ID#'s 7675382848, 7675395001, and 7675383556. The proposed Conditional Use Zoning District would specifically allow the development of a 7-lot residential subdivision for doublewide mobile homes, site-built homes, or modular homes. The Planning Board considered this request at public meeting on February 8, 2005, and recommended unanimously that this request be approved.

Jerry King spoke on behalf of the applicant and said that he would not put mobile homes older than 5 years on these sites.

On motion of Davis, seconded by Frye, the Board voted 4-1, with Lanier opposing, to deny the request of Kevin Hill.

2. Hal Johnson reminded the Board that at their January 2005 rezoning public hearing the Board postponed a decision on the following request until the April 4, 2005 Commissioners meeting and directed Mr. Johnson to report at this April meeting whether Mr. Brown had complied with all conditions:

ROGER D. & CHRISTINA B. BROWN. The County Planning Department, as required by County Ordinance, is requesting that the Board of County Commissioners rezone 1 acre (out of 14.45 acres) located at 1150 Pleasant Ridge Road, Columbia Township, from Highway Commercial/Conditional Use to Residential Agricultural. Tax ID# 8701147489. This proceeding is requested due to continued violation of the Conditional Use Permit and would rezone the property to its previous zoning classification. Roger D. & Christina B. Brown - Property Owners.

Mr. Johnson stated that Mr. Brown had complied with almost all conditions.

On motion of Frye, seconded by Davis, the Board voted unanimously to delay a decision on the Roger Brown violation case until the Board's May 2nd meeting and told Mr. Brown that he must be in full compliance at that time or the Board would rezone his property back to its original classification: Residential Agricultural.

New Business: At 6:35 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and

Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

1. **JOHN GATLIN**, Asheboro, North Carolina, is requesting that 1.22 acres located at 4098 US Hwy 64 West, Back Creek Township, be rezoned from Highway Commercial/Conditional Use to Light Industrial/Conditional Use. Parcel ID# 7731065688. The proposed Conditional Use Zoning District would allow the existing 60' x 100' building to be used to manufacture small latex products for medical supplies. The Planning Board considered this request at public meeting on March 8, 2005, and recommended unanimously that this request be approved.

John Gatlin, realtor, said that he was representing Gary and Patricia Martin. He said that the original owner died and the family has decided to sell the property. Mr. Gatlin said that this business would produce latex products made of all natural material—no hazardous materials would be involved. He said it was a “dip and cure” process that would produce no loud noises or bad odors and that Mr. Martin would make the deliveries himself, thereby eliminating the need for large trucks on the property. He said that there would be fewer than 10 employees.

Gary Martin, 1391 McDaniel Drive, Asheboro, distributed samples of his product and pictures of equipment to the Board. He said that the days of operation would be Monday through Friday.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the request of John Gatlin.

2. **TERRY SWAIM**, Climax, North Carolina, is requesting that 3.00 acres located at 3702 New Salem Road, Providence Township, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Polecat Creek Watershed. Tax ID# 7797044348 and 7797133759. The proposed Conditional Use Zoning District would permit the expansion of a HVAC and electrical contracting business as per site plan. The Planning Board considered this request at public meeting on March 8, 2005, and recommended unanimously that this request be approved.

Terry Swaim, 3702 New Salem Dr., Asheboro, said that he started this business in 1973 prior to county zoning. He said currently everything is stored in 10 different buildings and he wants to be able to store everything in 1 location. Mr. Swaim said that there would be no change in the number of employees.

Jon Megarian, attorney representing David Moon, spoke in opposition to the request. He said that Mr. Swaim’s business is a non-conforming use that has been allowed to continue because the business existed before county zoning. But Mr. Megarian argued that, according to the County zoning ordinance, a non-conforming use cannot be expanded or enlarged. Mr. Megarian distributed aerial photographs of the property that showed all the old trailers and what appeared to be many old air conditioners and parts dumped near the rear of the property.

Mr. Swaim spoke again and said that since that photo was taken all but 6 air conditioners had been removed from the property. He said that Mr. Moon was opposing this request because he wants Bethel Church Road paved and Mr. Swaim is preventing this from happening. If Bethel Church Road is paved Bethel Church will lose many of its parking spaces. Mr. Swaim attends and holds a position of authority at Bethel Church and will not consent to the paving of the road. Mr. Moon told Mr. Swaim that if Mr. Swaim would consent to the paving, Mr. Moon would not oppose this request. Mr. Swaim said that he would remove the old trailers when the new buildings were complete and he could get everything moved.

On motion of Lanier, seconded by Frye, the Board voted unanimously to approve the request of Terry Swaim with the condition that Mr. Swaim would remove the old trailers from the property within 6 months after the certificate of occupancy is issued on the new buildings.

3. **CEDAR RUN ASSOCIATES**, Greensboro, North Carolina, is requesting that 25.84 acres located off Business Hwy 220 North (in Cedar Run Subdivision at the end of Maple Run Drive), Level Cross Township, be rezoned from RA to CVOE-CU. Tax ID# 7767237424. Randleman Lake Watershed. The proposed Conditional Use Zoning District would specifically allow the development of a 6-lot addition to Cedar Run Subdivision for site-built homes only. The Planning Board considered this request at public meeting on March 8, 2005, and recommended unanimously that this request be approved.

Chris Walrowd, 4503 Wild Oak Lane, Greensboro, said that this would be Phase 3 of this subdivision and that the 2 other phases had gone well. He said that most of the homes would be in the 3,000 - 4,200 sq. ft. range and would sell for \$250,000 - \$300,000. Mr. Walrowd said that before the lots were sold, the developer would drill wells to make sure there was adequate water.

On motion of Davis, seconded by Frye, the Board voted unanimously to approve the request of Cedar Run Associates.

4. **DONALD STRIDER**, Asheboro, North Carolina, is requesting that the Conditional Use Zoning Permit issued on 34.17 acres located on Danny Bell Road, Cedar Grove Township, be amended to increase the number of building lots within the site-built subdivision from 17 lots to 34 lots. Tax ID# 7649014902 and 7649013466. The amendment would include the proposed road be upgraded from a privately maintained road to a state-maintained road. The applicant has also requested the required minimum house size be increased from 1,300 sq. ft. to 1,400 heated sq. ft. The Planning Board considered this request at public meeting on March 8, 2005, and recommended unanimously that this request be approved.

Toby Strider, 1698 Hopewell Friends Road, Asheboro, said that the smallest home that had been built so far in this subdivision was 1,400 sq. ft. He said that he has been working with Seagrove Mayor Mike Walker about getting (Seagrove-Ulah Metropolitan Water District) water extended to this subdivision.

On motion of Kemp, seconded by Lanier, the Board voted unanimously to approve the request of Donald Strider.

5. **JIM COX**, Charlotte, North Carolina, is requesting that 44.18 acres located on Pinewood Forest Drive, Cedar Grove Township, be rezoned from RA to CVOE-CU. Tax ID# 7668024285. The proposed Conditional Use Zoning District would specifically allow the development of a 7-lot residential subdivision for site-built homes only with the following conditions:

**minimum house size of 2,800 heated sq. ft.

**timbering or clear-cutting of lots is prohibited (with the exception of house site or landscaping of property)

**subdivision name shall be consistent with existing community

The Planning Board considered this request at public meeting on March 8, 2005, and recommended unanimously that this request be approved.

Jim Cox, 10406 Balmoral Circle, Charlotte, spoke in support of the request.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the request of Jim Cox.

6. **BSR, LLC**, Asheboro, North Carolina, is requesting that 11.60 acres located on Danny Bell Road, Cedar Grove Township, be rezoned from RA to CVOE-CU. Tax ID# 7649532537. The proposed Conditional Use Zoning District would specifically allow the development of a 7-lot residential subdivision for conventional modular or site-built homes with a minimum house size of 1,400 heated sq. ft. The Planning Board considered this request at public meeting on March 8, 2005, and recommended that this request be approved by a vote of 6 to1.

Jerry King, surveyor, spoke in support of the request.

On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the request of BSR, LLC.

Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Robert B. Davis

Arnold Lanier

Cheryl A. Ivey, Deputy Clerk to the Board